

REMARKS/ARGUMENTS

In the restriction response dated September 16, 2008, the Examiner delineated the following invention as being patentably distinct.

Group I, claim(s) 11, drawn to an alkyl ether sulfate salt of the formula I.

Group II, claim(s) 12 and 13, drawn to methods of use in laundry detergents and cleaning compositions and laundry detergent.

Group III, claim(s) 14 and 15, drawn to method of use in chemical engineering applications.

Group IV, claim(s) 16 and 17, drawn to method of use in cosmetic applications.

Applicants provisionally elect with traverse the invention of Group I, claim 11, drawn to an alkyl ether sulfate salt of the formula I. The claims of Groups I-IV are integrally linked as compounds and method of use. Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Examiner if restriction is not required (M.P.E.P. §803). The burden of proof is on the Examiner to provide reasons and/or examples to support any conclusions in regard to patentable distinction. Moreover, when making a lack of unity of invention in a national stage application, the Examiner has the burden of explaining only each group lacks unity of invention with each other (i.e., why there is no single inventive concept) specifically describing the unique special technical feature in each group (M.P.E.P. §1893.03(d)).

Applicants respectfully traverse the restriction requirement on the ground that the Examiner has not carried out the burden of providing any reasons and/or examples to support any conclusions that the claims of the restricted groups are patentably distinct or providing any reasons and/or examples to support any conclusion that the groups lack unity of invention.

The Examiner asserts that Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1 and 13.2 because they lack the same corresponding special technical feature.

The Examiner however has not considered that the claims in each group are considered to have unity of invention under 37 C.F.R. §1.475(b) in which the claims are considered to have unity of invention. Applicants submit that while PCT Rule 13.1 and 13.2 are applicable, 37 C.F.R. §1.475 provides in relevant part that a “national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn to product, process, and use of said product.

Moreover, Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office. As the Office has not shown any evidence that a restriction requirement should be required when the International Report did not, restriction is believed to be improper.

For the reasons set forth above, Applicants request that the Restriction Requirement be withdrawn.

The Examiner has stated that Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1 because under PCT Rule 13.2 they lack the same corresponding technical feature. The Examiner asserts that the technical feature of Groups I to IV is alkyl ether sulfate salt of the general formula (I). This is not a special technical features because the alkyl ether sulfate salt compounds are supposed to be known in the art (U.S. Patent 4,726,915).

However, the presently claimed invention is directed to an alkyl ether sulfate salt of the general formula (I) wherein R, R¹, M⁺, y and z have the meaning as recited in the pending claim 11, for which the quotient A of the critical miscible concentration (CMC) according to the equation in claim 11 is at least 1.

U.S. Patent 4,726,915 discloses anionic surfactants which are useful in the compositions according to this document, which are sulfated polyoxyalkylene condensation products of the formula presented in column 2, line 23, wherein R is a straight or branched chain alkyl of from about 6 to 10 carbon atoms, M is selected from alkali metals or earth alkali metals or alkanol amine, m is an integer of from about 1 to 4 and n is an integer of from 1 to 10. U.S. Patent 4,726,915 does not disclose that the quotient A according to claim 1 of the present application shall be greater than 1.

According to page 4, lines 19-22 of the description of the present application, it has been found that alkylether sulfates of general formula (I) which form a quotient A which is greater than 1 exhibit particularly favorable properties when they are used as anionic surfactant component in laundry detergent or in cleaning compositions, in chemical applications, or in cosmetics.

U.S. Patent 4,726,915 does not disclose all characteristic features of the alkylether sulfate salt of general formula (I) according to claim 11 of the present application. Therefore, this connecting feature, being the alkylether sulfate a salt of general formula (I), is not known from the prior art. Therefore, inventions according to groups I to IV as cited by the Examiner do not lack the same or corresponding special technical feature. The restriction requirement is, therefore, from our point of view, not justified.

Applicants submit that if the invention of Group I is found allowable, withdrawn Groups II-IV which include the limitations of the allowable claims be rejoined (M.P.E.P. §821.04).

Applicants respectfully submit that the above-identified applications is now in condition for examination on the merits and an early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman F. Oblon



Paul J. Killos
Registration No. 58,014

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)